

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**TERRY SUTTON, et al.,  
Plaintiffs**

**v.**

**CHANCEFORD TOWNSHIP, et al.,  
Defendants**

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**No. 1:14-cv-1584**  
  
**(Judge Kane)**

**ORDER**

**AND NOW**, on this 16th day of May 2016, **IT IS HEREBY ORDERED THAT**

Defendants' motion to dismiss (Doc. No. 6) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Plaintiffs' claim under the Takings Clause of the United States Constitution is **DISMISSED WITHOUT PREJUDICE**;
2. Plaintiffs' claim under the Equal Protection Clause of the United States Constitution is **DISMISSED WITHOUT PREJUDICE**;
3. Plaintiffs' claim under the Due Process Clause of the United States Constitution is **DISMISSED WITHOUT PREJUDICE**;
4. In all other respected, Defendants' motion is **DENIED**; and
5. Plaintiffs are granted leave to file an amended complaint within 21 days of the date of this order.

S/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania